



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 15 2005

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS MO 63102

In re Application of:  
Obukowicz et al.  
Serial No.: 10/022,320  
Filed: December 13, 2001  
Attorney Docket No.: 3412/1A/US (PHA 4140.6)

DECISION ON PETITION TO  
WITHDRAW THE HOLDING  
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on February 2, 2005, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status.

A review of the file history shows that the Office mailed a first Office action, setting a three-month statutory time period for reply, to applicants on April 20, 2004. On November 2, 2004 the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants' state that the Office action of February 20, 2004 was never received and provides as evidence thereof a copy of the attorney docket report where the Office action would have been entered if received, showing non-receipt of the Office action. Based on the evidence presented, it is concluded that applicants never received the Office action. In view thereof, the Notice of Abandonment mailed November 2, 2004, is vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Office action.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

*Marianne C. Seidel for*

Bruce Kisliuk  
Director, Technology Center 1600